



After recording return to:  
Seacrest & Kalkowski, PC, LLO  
1128 Lincoln Mall, Suite 105  
Lincoln, NE 68508

**AMENDMENT TO  
THE DECLARATION OF  
TEN40 O CONDOMINIUM**


The undersigned, constituting the “Declarant” under the Declaration of Ten40 O Condominium dated December 7, 2021, and filed of record as Instrument Number 2021071114 in the Lancaster County Register of Deeds Office, in Lincoln, Nebraska (the “Declaration”), does hereby, pursuant to the rights retained by Declarant in Paragraph 6.B. of the Declaration, amend the Declaration as follows:

1. Paragraph 4 is hereby amended to increase the number of Units to twenty-three (23) to reflect the division of Unit 610 into Units 610 and 620.
2. Exhibit “A”, Exhibit “B” and Exhibit “C” attached to the Declaration are hereby repealed and replaced with Exhibit “A”, Exhibit “B” and Exhibit “C” attached hereto which adjust the Plat and Plans, Allocated Interests and the allocation of the Not to Protest Valuation.
3. All other terms and conditions of the Declaration, except as amended herein, remain in full force and effect. In the event of a conflict between the terms of this Amendment and the terms of the Declaration, the terms of this Amendment shall control. Capitalized terms used herein and not defined herein have the same meaning as in the Declaration.

IN WITNESS WHEREOF, the Declarant has executed this Amendment to the Declaration of Ten40 O Condominium as of this 24 day of June, 2022.

“DECLARANT”

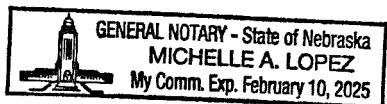
TEN40 O LINCOLN, LLC a Nebraska limited liability company

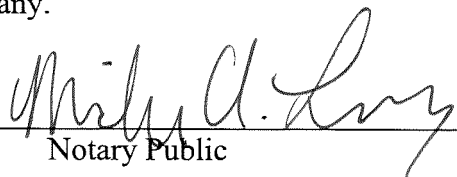
By:   
Craig Gies, Manager

By:   
Chris Vasek, Manager

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

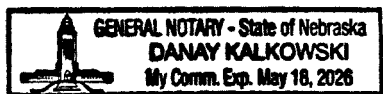
The foregoing instrument was acknowledged before me this 10 day of June, 2022, by Craig Gies, as Manager of TEN40 O LINCOLN, LLC, a Nebraska limited liability company, on behalf of the limited liability company.




  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this 24 day of June, 2022, by Chris Vasek, as Manager of TEN40 O LINCOLN, LLC, a Nebraska limited liability company, on behalf of the limited liability company.

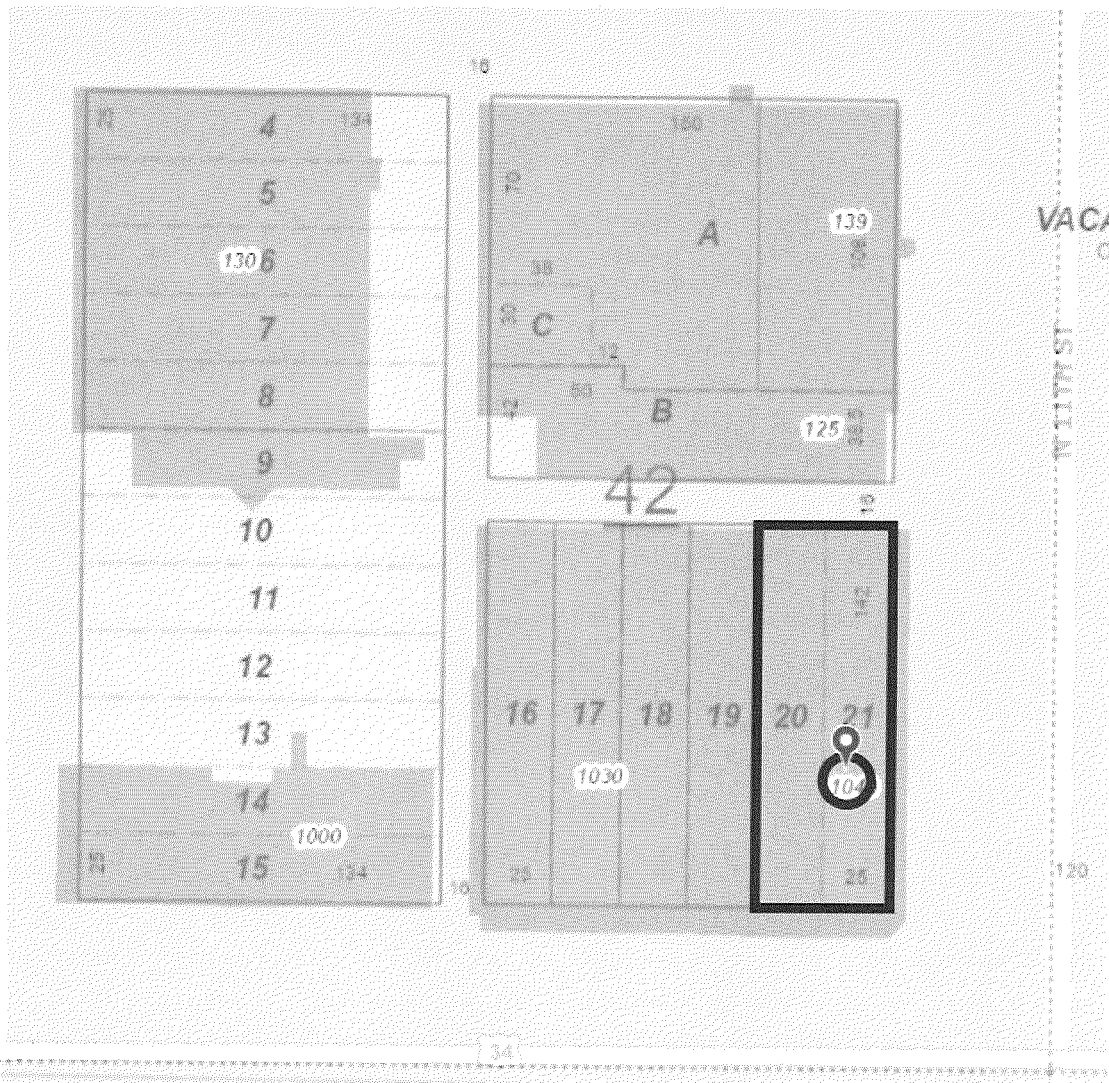


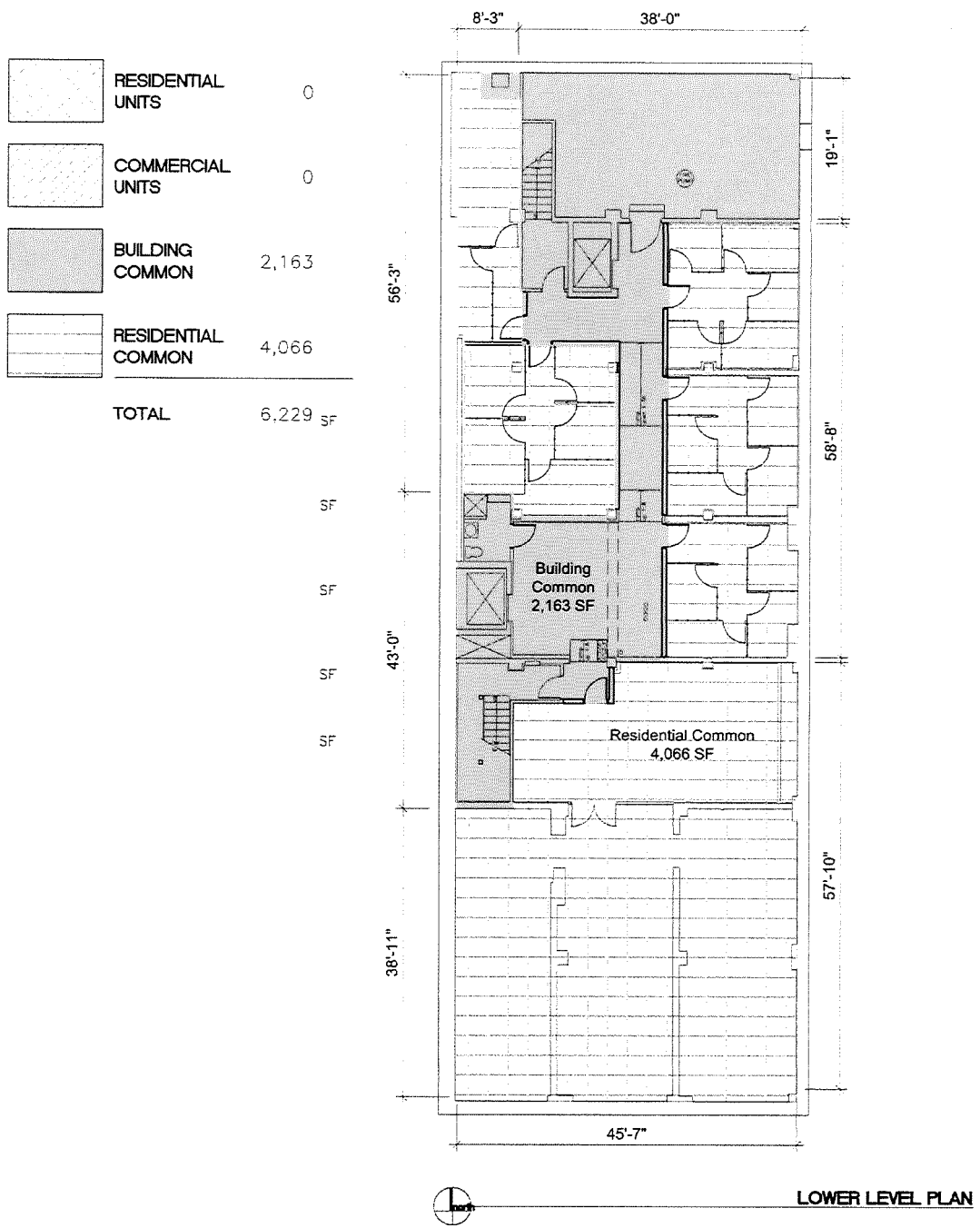
  
Notary Public

**EXHIBIT "A"**

**Plat and Plans of the Condominium**

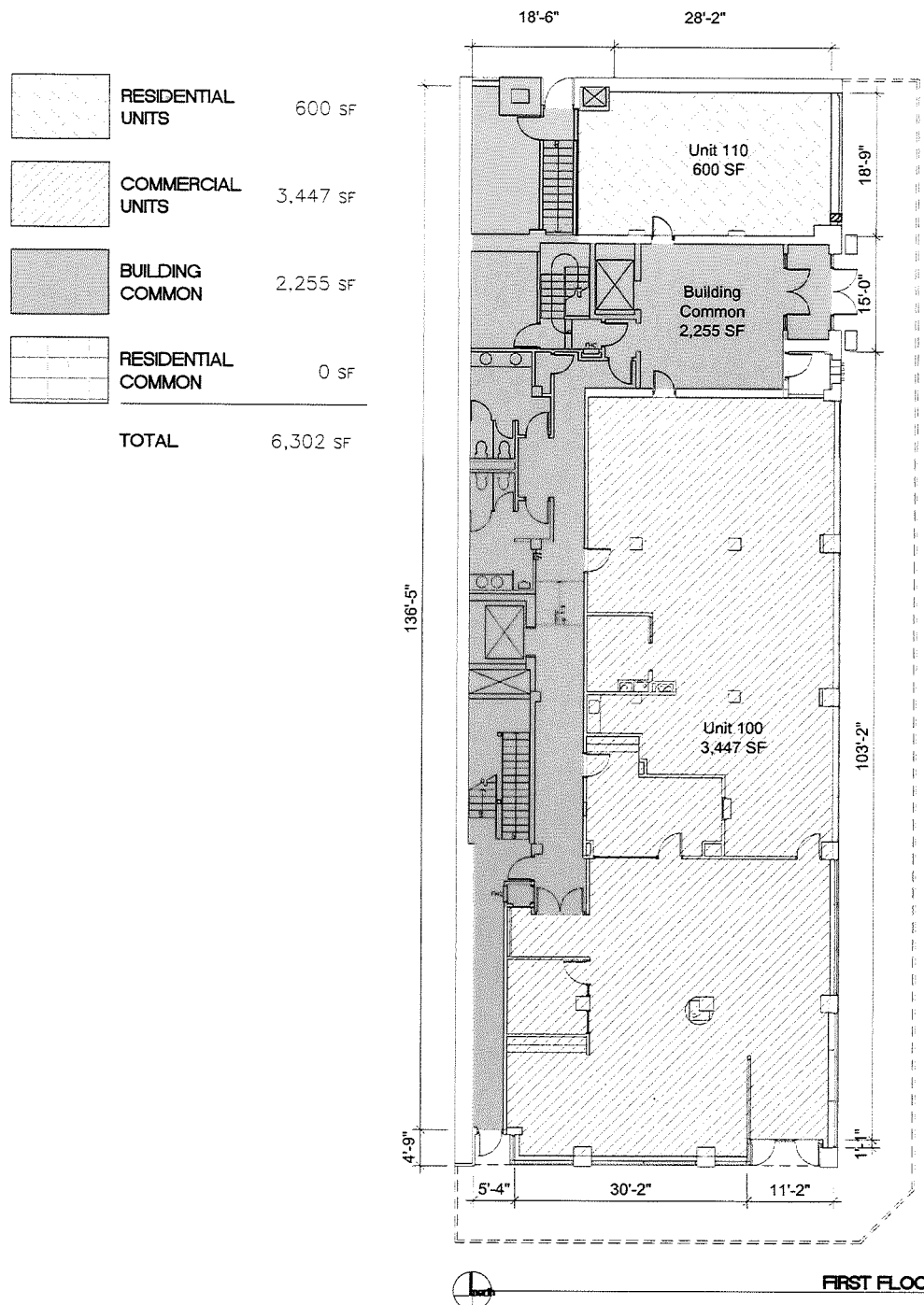
Ten40 O Condominium, Lincoln, Lancaster County, Nebraska.









**Ten40 Building Condominium Regime**  
 DECEMBER, 2021

**innerspace studios**  
 interior architecture and space planning  
 335 north 8th street, suite c  
 Lincoln, Nebraska 68508  
 (402) 475-7234



**Ten40 Building Condominium Regime**  
 DECEMBER, 2021

**innerspace studios**  
 interior architecture and space planning  
 335 north 8th street, suite c  
 Lincoln, Nebraska 68508  
 (402) 475-7234

	RESIDENTIAL UNITS	4,471 SF
	COMMERCIAL UNITS	0 SF
	BUILDING COMMON	312 SF
	RESIDENTIAL COMMON	470 SF
<b>TOTAL</b>		<b>5,253 SF</b>

**UNIT DIMENSIONS**

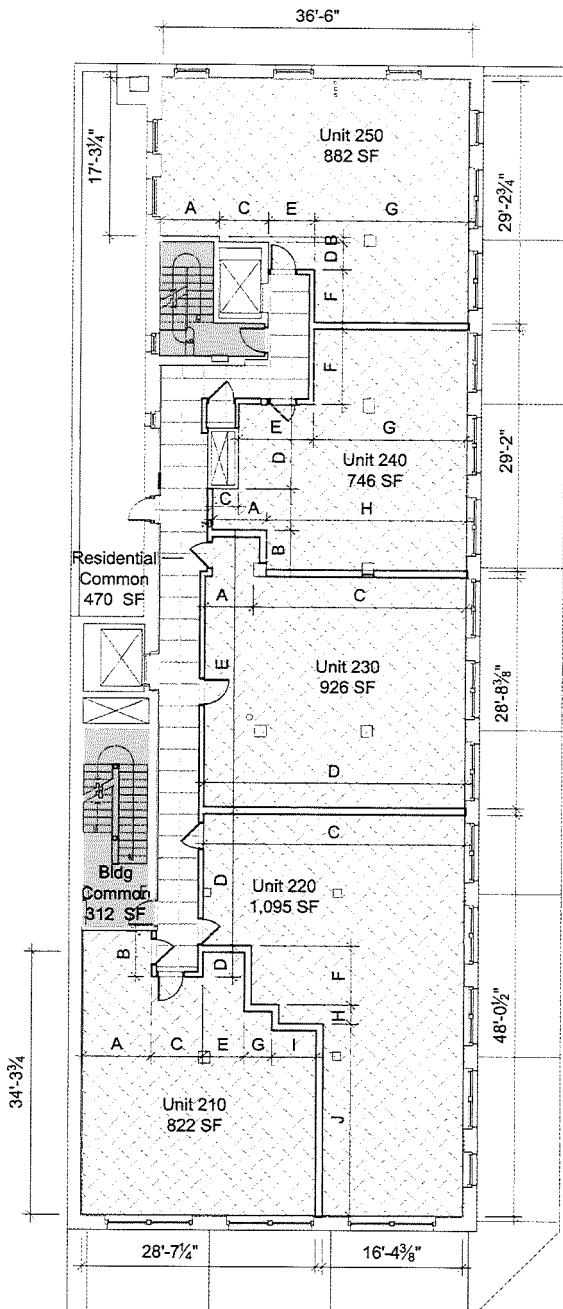
UNIT 210	UNIT 240
A 8'-0 <sup>3</sup> / <sub>8</sub> "	A 7'-5"
B 6'-1 <sup>1</sup> / <sub>8</sub> "	B 5'-4 <sup>7</sup> / <sub>8</sub> "
C 5'-11 <sup>1</sup> / <sub>4</sub> "	C 3'-9"
D 2'-3 <sup>7</sup> / <sub>8</sub> "	D 10'-5"
E 5'-2 <sup>1</sup> / <sub>8</sub> "	E 9'-2 <sup>1</sup> / <sub>4</sub> "
F 6'-6 <sup>1</sup> / <sub>2</sub> "	F 8'-6 <sup>5</sup> / <sub>8</sub> "
G 3'-4"	G 18'-5 <sup>5</sup> / <sub>8</sub> "
H 2'-6"	H 23'-8 <sup>3</sup> / <sub>8</sub> "
I 5'-6 <sup>1</sup> / <sub>2</sub> "	
J 21'-5 <sup>3</sup> / <sub>8</sub> "	

UNIT 220	UNIT 250
C 31'-0 <sup>1</sup> / <sub>2</sub> "	A 6'-2 <sup>7</sup> / <sub>8</sub> "
D 16'-7 <sup>3</sup> / <sub>8</sub> "	B 8 <sup>1</sup> / <sub>2</sub> "
E 6'-1 <sup>1</sup> / <sub>2</sub> "	C 6'-5"
F 6'-6 <sup>1</sup> / <sub>2</sub> "	D 4'-8 <sup>3</sup> / <sub>8</sub> "
G 3'-3 <sup>3</sup> / <sub>4</sub> "	E 5'-3 <sup>1</sup> / <sub>2</sub> "
H 2'-6 <sup>7</sup> / <sub>8</sub> "	F 6'-8"
I 5'-6 <sup>1</sup> / <sub>2</sub> "	G 18'-5 <sup>5</sup> / <sub>8</sub> "
J 22'-3 <sup>1</sup> / <sub>8</sub> "	

UNIT 230
A 6'-6 <sup>7</sup> / <sub>8</sub> "
B 5'-4 <sup>7</sup> / <sub>8</sub> "
C 24'-7"
D 31'-0 <sup>1</sup> / <sub>2</sub> "
E 33'-10 <sup>7</sup> / <sub>8</sub> "



**SECOND FLOOR PLAN 2A**

RESIDENTIAL COMMON  
MECHANICAL CHASE WALLS

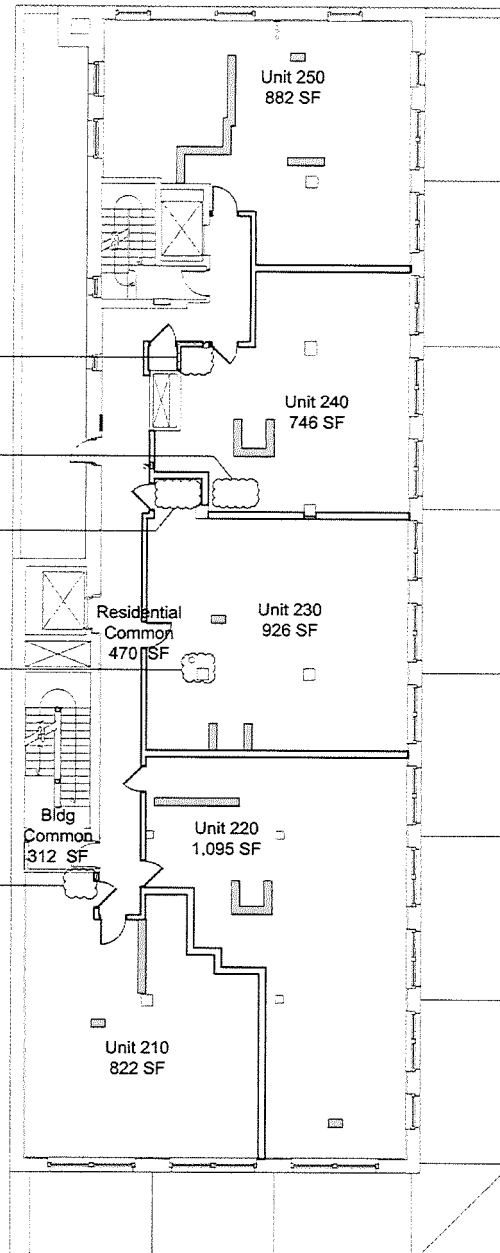
RESIDENTIAL COMMON  
ROOF DRAIN PIPING AND CONDUIT

RESIDENTIAL COMMON  
DUCTWORK ABOVE SHOWER CEILING

RESIDENTIAL COMMON  
HEAT PUMP PIPING

RESIDENTIAL COMMON  
ROOF DRAIN PIPE




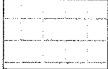
RESIDENTIAL COMMON  
HEAT PUMP PIPING



SECOND FLOOR PLAN 2B

Ten40 Building Condominium Regime  
DECEMBER, 2021

**innerspace studios**  
interior architecture and space planning  
335 north 8th street, suite c  
Lincoln, Nebraska 68508

	RESIDENTIAL UNITS	4,555 SF
	COMMERCIAL UNITS	0 SF
	BUILDING COMMON	312 SF
	RESIDENTIAL COMMON	470 SF
<b>TOTAL</b>		<b>5,337 SF</b>

**UNIT DIMENSIONS**

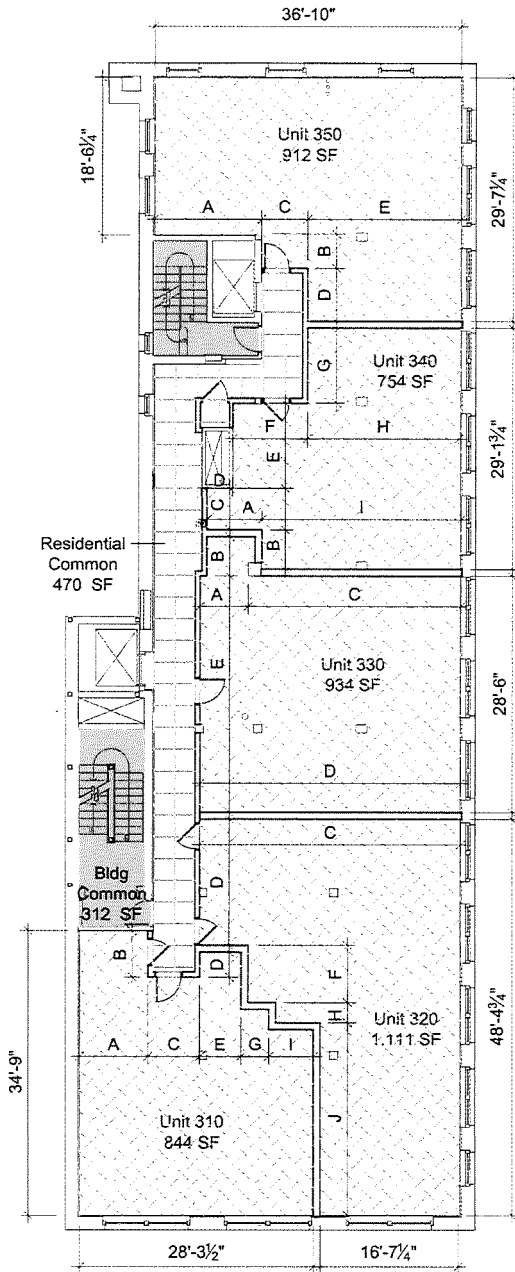
UNIT 310		UNIT 340	
A	8'-3 $\frac{1}{2}$ "	A	7'-5 $\frac{1}{8}$ "
B	6'-1 $\frac{5}{8}$ "	B	5'-4 $\frac{3}{4}$ "
C	6'-0 $\frac{1}{4}$ "	C	4'-9 $\frac{7}{8}$ "
D	2'-3 $\frac{3}{4}$ "	D	3'-9 $\frac{1}{4}$ "
E	5'-2"	E	10'-5"
F	6'-6 $\frac{1}{2}$ "	F	8'-10 $\frac{1}{2}$ "
G	3'-3 $\frac{3}{4}$ "	G	8'-6 $\frac{1}{8}$ "
H	2'-6"	H	18'-11 $\frac{3}{4}$ "
I	5'-6"	I	24'-0 $\frac{1}{8}$ "
J	21'-10 $\frac{1}{2}$ "		

UNIT 320		UNIT 350	
C	31'-5 $\frac{3}{4}$ "	A	12'-8"
D	16'-7 $\frac{1}{4}$ "	B	4'-7"
E	6'-1"	C	5'-2 $\frac{1}{2}$ "
F	6'-6 $\frac{5}{8}$ "	D	6'-8 $\frac{5}{8}$ "
G	3'-3 $\frac{3}{8}$ "	E	18'-11 $\frac{3}{4}$ "
H	2'-6"		
I	6'-6"		
J	22'-7 $\frac{3}{8}$ "		

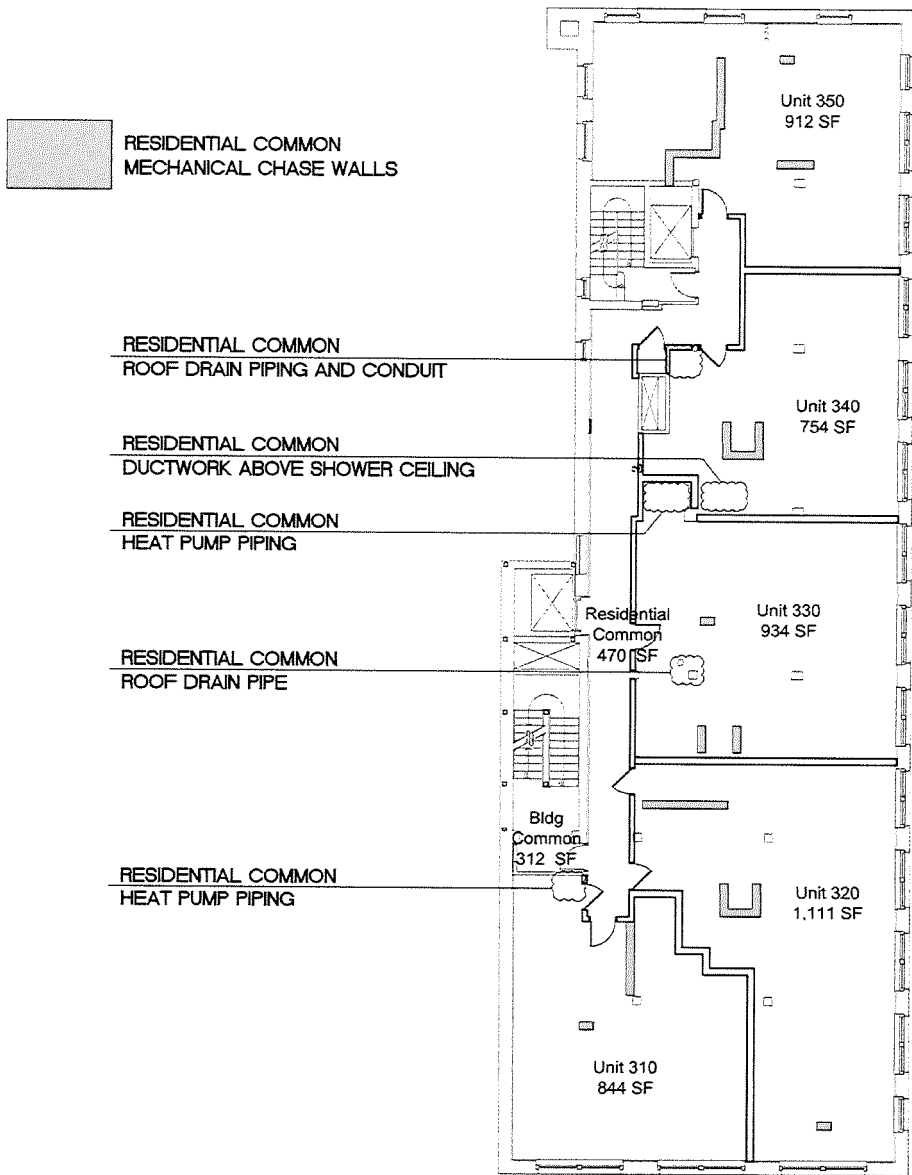
  

UNIT 330	
A	6'-11"
B	5'-4 $\frac{1}{8}$ "
C	24'-11 $\frac{1}{4}$ "
D	31'-5 $\frac{3}{4}$ "
E	33'-10 $\frac{1}{2}$ "



**THIRD FLOOR PLAN 3A**

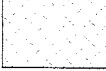

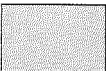





THIRD FLOOR PLAN 3B

**Ten40 Building Condominium Regime**  
DECEMBER, 2021

**innerspace studios**  
interior architecture and space planning  
335 north 8th street, suite c  
Lincoln, Nebraska 68508  
(402) 475-7234

	RESIDENTIAL UNITS	4,561 SF
	COMMERCIAL UNITS	0 SF
	BUILDING COMMON	312 SF
	RESIDENTIAL COMMON	470 SF
<b>TOTAL</b>		<b>5,343 SF</b>

**UNIT DIMENSIONS**

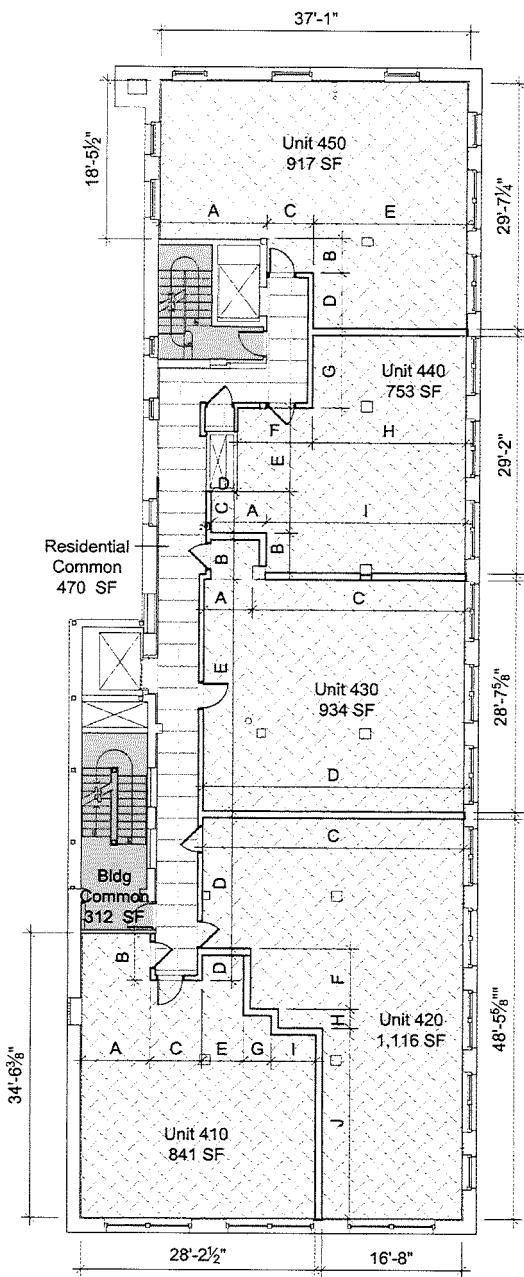
UNIT 410	UNIT 440
A 8'-2½"	A 7'-5⅝"
B 5'-10¾"	B 5'-4⅞"
C 5'-11⅞"	C 4'-9¼"
D 2'-3⅞"	D 3'-9⅞"
E 5'-2¼"	E 7'-3⅞"
F 6'-6⅝"	F 8'-10⅞"
G 3'-4¾"	G 8'-6⅝"
H 2'-6½"	H 18'-9¼"
I 5'-5⅞"	I 24'-0⅞"
J 21'-10¾"	

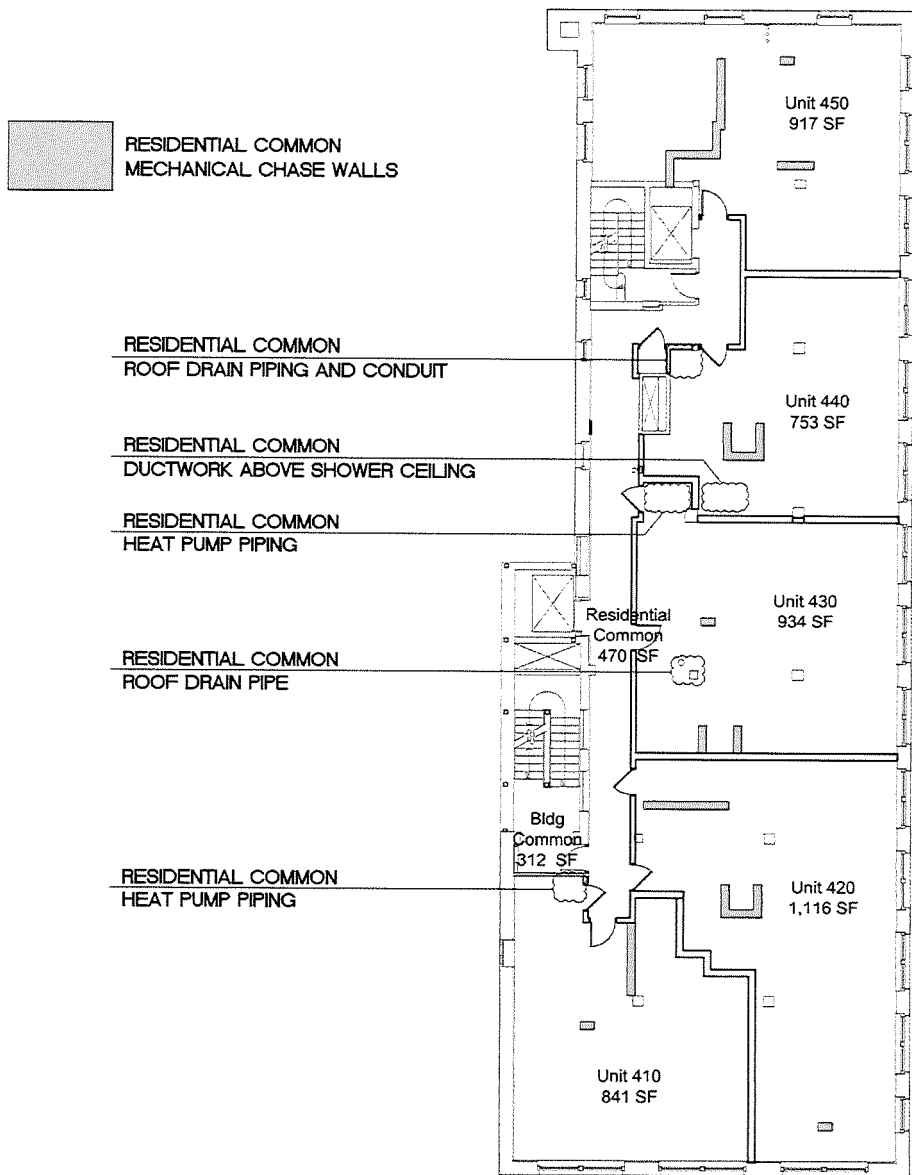
UNIT 420	UNIT 450
C 31'-5⅝"	A 13'-0"
D 16'-6⅝"	B 4'-6⅝"
E 6'-1½"	C 5'-4⅞"
F 6'-6¼"	D 6'-8⅞"
G 3'-3¾"	E 18'-9¼"
H 2'-6"	
I 5'-5⅞"	
J 23'-0⅝"	

UNIT 430
A 6'-6½"
B 5'-4⅞"
C 24'-0⅞"
D 31'-5⅝"
E 33'-11⅞"



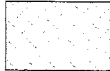


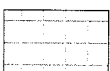
 **FOURTH FLOOR PLAN 4A**



FOURTH FLOOR PLAN 4B

Ten40 Building Condominium Regime  
DECEMBER, 2021

**innerspace studios**  
interior architecture and space planning  
325 north 8th street, suite c  
Lincoln, Nebraska 68508  
(402) 475-7234

	RESIDENTIAL UNITS	4,581 SF
	COMMERCIAL UNITS	0 SF
	BUILDING COMMON	312 SF
	RESIDENTIAL COMMON	470 SF
<b>TOTAL</b>		<b>5,363 SF</b>

**UNIT DIMENSIONS**

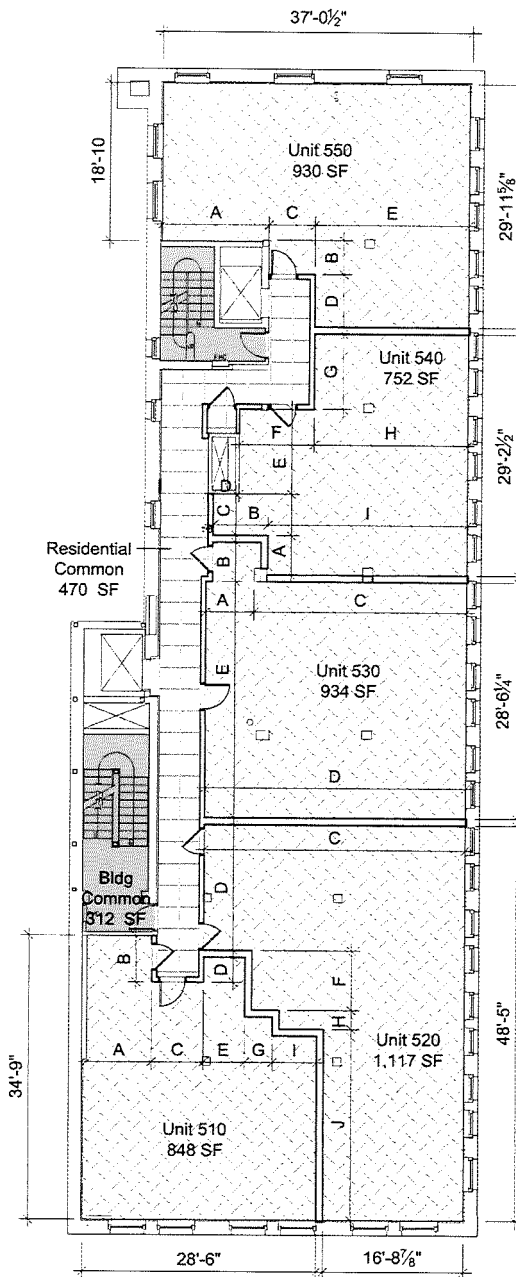
UNIT 510		UNIT 540	
A	8'-1 <sup>1</sup> / <sub>8</sub> "	A	5'-5"
B	5'-11 <sup>1</sup> / <sub>8</sub> "	B	7'-5 <sup>1</sup> / <sub>2</sub> "
C	6'-0 <sup>3</sup> / <sub>8</sub> "	C	4'-9 <sup>3</sup> / <sub>8</sub> "
D	2'-4 <sup>1</sup> / <sub>8</sub> "	D	3'-8 <sup>3</sup> / <sub>4</sub> "
E	5'-2 <sup>1</sup> / <sub>4</sub> "	E	10'-4 <sup>3</sup> / <sub>8</sub> "
F	6'-6 <sup>1</sup> / <sub>2</sub> "	F	8'-10 <sup>3</sup> / <sub>8</sub> "
G	3'-4 <sup>1</sup> / <sub>4</sub> "	G	8'-6 <sup>3</sup> / <sub>4</sub> "
H	2'-5 <sup>3</sup> / <sub>4</sub> "	H	18'-9 <sup>5</sup> / <sub>8</sub> "
I	5'-5 <sup>5</sup> / <sub>8</sub> "	I	23'-11 <sup>3</sup> / <sub>4</sub> "
J	21'-11 <sup>1</sup> / <sub>8</sub> "		

UNIT 520		UNIT 550	
C	31'-5 <sup>5</sup> / <sub>8</sub> "	A	12'-11 <sup>1</sup> / <sub>4</sub> "
D	16'-6 <sup>3</sup> / <sub>4</sub> "	B	4'-5 <sup>5</sup> / <sub>8</sub> "
E	6'-1 <sup>5</sup> / <sub>8</sub> "	C	5'-3 <sup>1</sup> / <sub>2</sub> "
F	6'-6 <sup>1</sup> / <sub>4</sub> "	D	6'-8 <sup>1</sup> / <sub>4</sub> "
G	3'-4 <sup>1</sup> / <sub>4</sub> "	E	18'-9 <sup>5</sup> / <sub>8</sub> "
H	2'-5 <sup>3</sup> / <sub>4</sub> "		
I	5'-5 <sup>5</sup> / <sub>8</sub> "		
J	22'-9 <sup>5</sup> / <sub>8</sub> "		

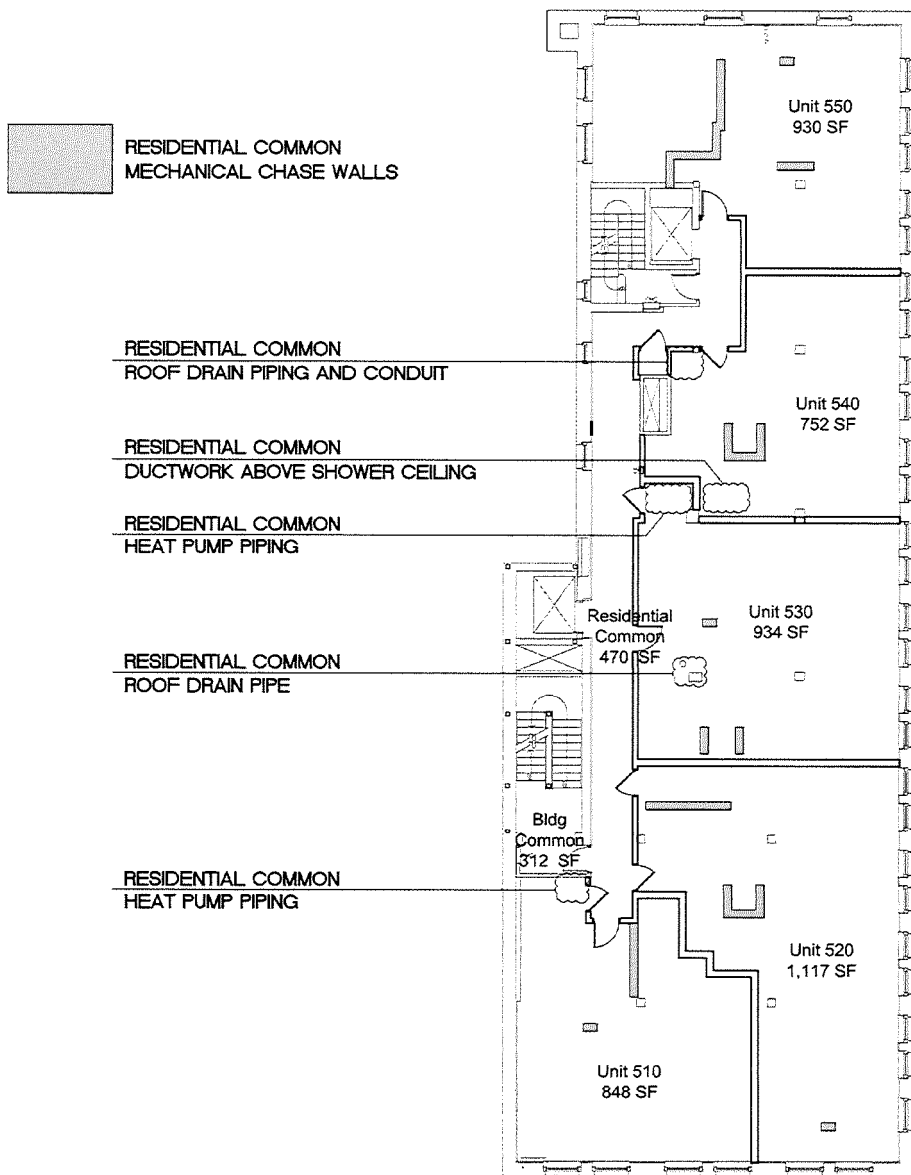
UNIT 530	
A	6'-7 <sup>7</sup> / <sub>8</sub> "
B	5'-5 <sup>1</sup> / <sub>2</sub> "
C	24'-11 <sup>1</sup> / <sub>8</sub> "
D	31'-5 <sup>5</sup> / <sub>8</sub> "
E	33'-1 <sup>1</sup> / <sub>4</sub> "



**FIFTH FLOOR PLAN 5A**

**Ten40 Building Condominium Regime**  
DECEMBER, 2021

**innerspace studios**  
interior architecture and space planning  
335 north 8th street, suite c  
Lincoln, Nebraska 68508  
(402) 475-7234



FIFTH FLOOR PLAN 5B

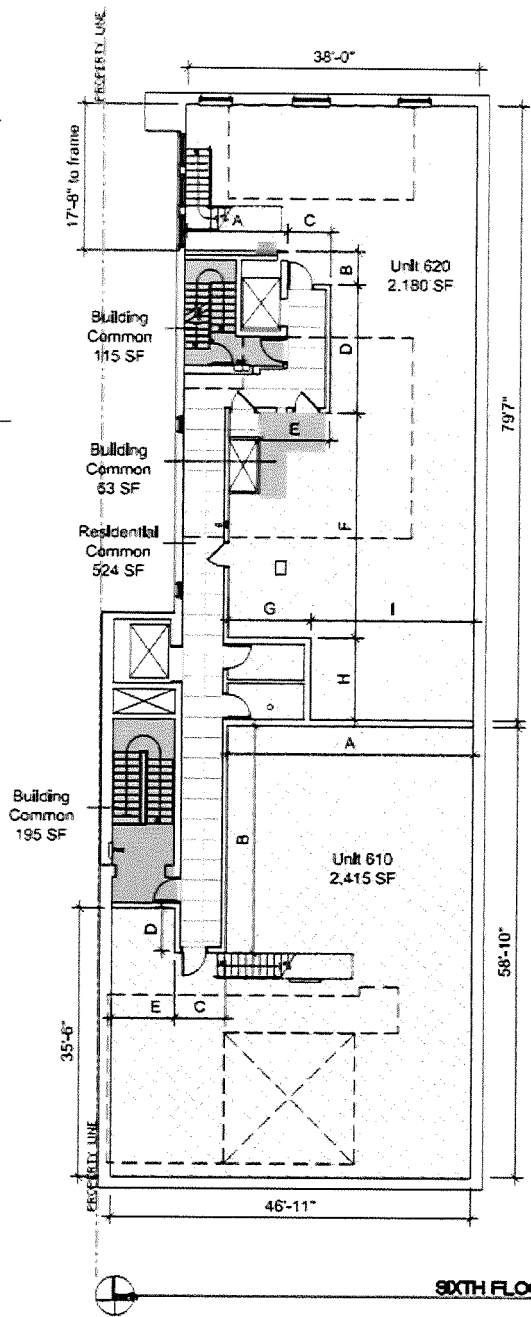
Ten40 Building Condominium Regime  
DECEMBER, 2021

**inner space studios**  
interior architecture and space planning  
335 north 8th street, suite c  
Lincoln, Nebraska 68508  
(402) 475-7224

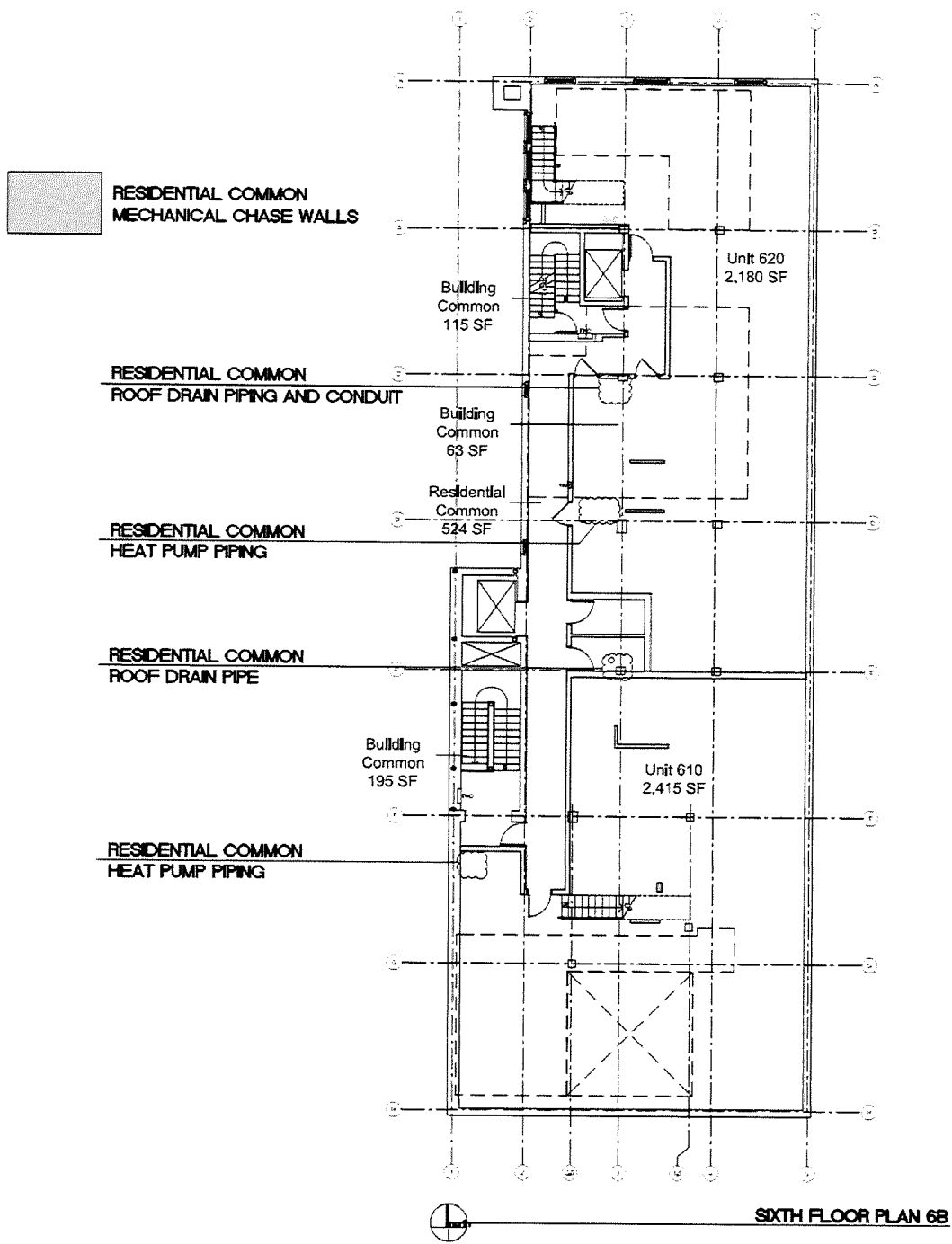
	RESIDENTIAL UNITS	4,595 SF
	COMMERCIAL UNITS	0 SF
	BUILDING COMMON	373 SF
	RESIDENTIAL COMMON	524 SF
<b>TOTAL</b>		<b>5,492 SF</b>

**UNIT DIMENSIONS**

- UNIT 610**  
 A 32'-0½"  
 B 29'-4½"  
 C 6'-6"  
 D 5'-10"  
 E 8'-4½"
- UNIT 620**  
 A 13'-3"  
 B 4'-4"  
 C 5'-7"  
 D 16'-6½"  
 E 8'-8"  
 F 30'-6"  
 G 10'-10½"  
 H 10'-8"  
 I 21'-2"



**SIXTH FLOOR PLAN 6A**



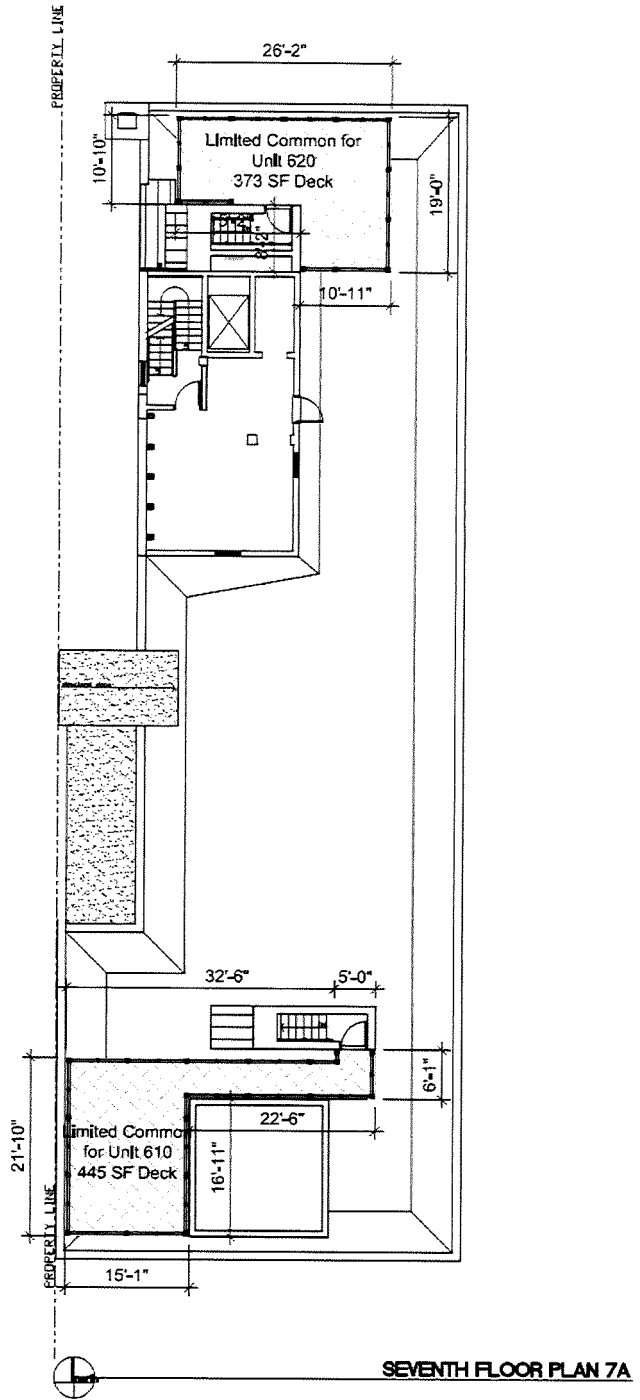
**Ten40 Building Condominium Regime**

MAY, 2022

**innerspace studios**  
 interior architecture and space planning  
 101 north 6th street, suite c  
 lincoln, nebraska 68508  
 402-473-7234

RESIDENTIAL  
LIMITED  
COMMON

818 SF

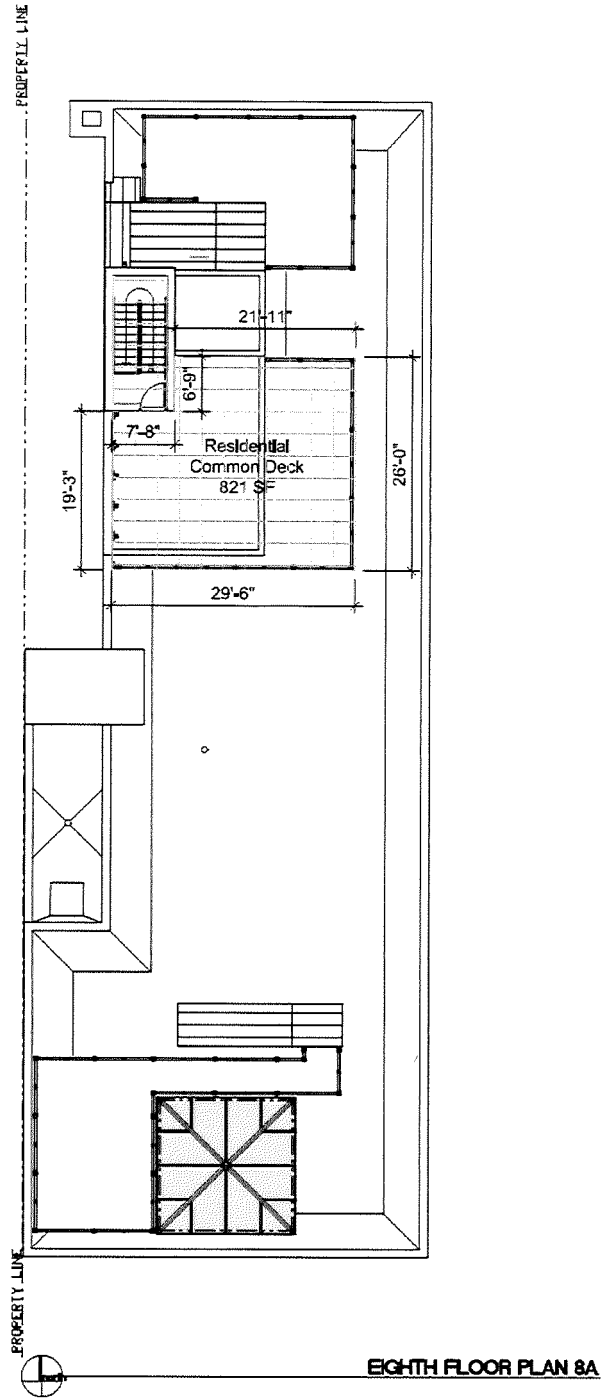


Ten40 Building Condominium Regime  
MAY, 2022

**innerspace studios**  
Interior architecture and space planning  
335 North 8th Street, Suite C  
Lincoln, Nebraska 68508  
(402) 475-7234




**RESIDENTIAL COMMON** 821 SF



**Ten40 Building Condominium Regime**  
 MAY, 2022


**innerspace studios**  
 interior architecture and space planning  
 235 north 8th street, suite c  
 lincoln, nebraska 68508  
 (402) 475-2234

**EXHIBIT "B"**

**Ten 40 O Total Allocated Interests**

<u>Unit</u>	<u>Condo Unit Size (Total Square Feet)</u>	<u>Total Square Feet Allocated Interest</u>	<u>Residential Units Limited Commons Square Feet Allocated Interest</u>	<u>Unit 610 Limited Commons Allocated Interest</u>	<u>Unit 620 Limited Commons Allocated Interest</u>
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First Floor

100 (commercial)	3447	12.86%	-		
110	600	2.24%		2.57%	

Second Floor

210	822	3.07%		3.52%	
220	1095	4.08%		4.69%	
230	926	3.45%		3.96%	
240	746	2.78%		3.19%	
250	882	3.29%		3.78%	

Third Floor

310	844	3.15%		3.61%	
320	1111	4.14%		4.76%	
330	934	3.48%		4.00%	
340	754	2.81%		3.23%	
350	912	3.40%		3.90%	

Fourth Floor

410	841	3.14%		3.60%	
420	1116	4.16%		4.78%	
430	934	3.48%		4.00%	
440	753	2.81%		3.22%	
450	917	3.42%		3.93%	

Fifth Floor

510	848	3.16%		3.63%	
520	1117	4.17%		4.78%	
530	934	3.48%		4.00%	
540	752	2.80%		3.22%	
550	930	3.47%		3.98%	

Sixth Floor

610	2415	9.01%	10.34%	100%	
620	2180	8.13%	9.33%		100%

Total Square Feet	<b>26810</b>	<b>100.00%</b>			
Total Residential Square Feet	<b>23363</b>		<b>100.00%</b>		

Ten 40 O total square footage interests

			<u>Commercial</u>		<u>Residential</u>	
Basement	<b>6,229</b>	15.21%				
Residential commons	4,066	9.93%			4,066	11.86%
Building common	2,163	5.28%			2,163	5.28%
1st Floor	<b>6,302</b>	15.39%				
Commercial	3,447	8.42%	3,447	8.42%		
Building common	2,255	5.51%			2,255	5.51%
Unit 110	600	1.46%			600	1.46%
2nd floor	<b>5,253</b>	12.83%			5,253	12.83%
Unit 210	822	2.01%				
Unit 220	1,095	2.67%				
Unit 230	926	2.26%				
Unit 240	746	1.82%				
Unit 250	882	2.15%				
Building common	312	0.76%				
Residential commons	470	1.15%				
3rd floor	<b>5,337</b>	13.03%			5,337	13.03%
Unit 310	844	2.06%				
Unit 320	1,111	2.71%				
Unit 330	934	2.28%				
Unit 340	754	1.84%				
Unit 350	912	2.23%				
Building common	312	0.76%				
Residential commons	470	1.15%				
4th floor	<b>5,343</b>	13.05%			5,343	13.05%
Unit 410	841	2.05%				
Unit 420	1,116	2.72%				
Unit 430	934	2.28%				
Unit 440	753	1.84%				
Unit 450	917	2.24%				
Building common	312	0.76%				
Residential commons	470	1.15%				
5th floor	<b>5,363</b>	13.09%			5,363	14.30%
Unit 510	848	2.07%				
Unit 520	1,117	2.73%				
Unit 530	934	2.28%				
Unit 540	752	1.84%				
Unit 550	930	2.27%				
Building common	312	0.76%				
Residential commons	470	1.15%				
6th floor	<b>5,492</b>	13.41%			5,492	14.64%
Unit 610	2,415	5.90%				
Unit 620	2,180	5.32%				
Building commons	373	0.91%				
Residential commons	524	1.28%				
7th floor	<b>818</b>	2.00%			818	2.00%
Unit 610 Residential limited commons	445	1.09%				
Unit 620 Residential limited commons	373	0.91%				
8th floor	<b>821</b>	2.00%			821	2.00%
Residential commons	821	2.00%				
<b>Total</b>	<b>40,958</b>	100.00%	<b>3,447</b>	8.42%	<b>37,511</b>	91.58%

**EXHIBIT "C"**

**NOT TO PROTEST VALUATIONS**

Allocation of the Redevelopment Agreement Not To Protest valuation of  
Seven Million Nine Hundred Thousand and No/100 Dollars (\$7,900,000.00)

Unit	Allocated Value		Not to Protest Values
	Commercial	Residential	
100	100.00%		\$702,725.00
110		2.57%	\$184,837.78
210		3.52%	\$253,227.76
220		4.69%	\$337,328.94
230		3.96%	\$285,266.30
240		3.19%	\$229,814.97
250		3.78%	\$271,711.53
310		3.61%	\$260,005.14
320		4.76%	\$342,257.95
330		4.00%	\$287,730.81
340		3.23%	\$232,279.47
350		3.90%	\$280,953.42
410		3.60%	\$259,080.95
420		4.78%	\$343,798.27
430		4.00%	\$287,730.81
440		3.22%	\$231,971.41
450		3.93%	\$282,493.74
510		3.63%	\$261,237.39
520		4.78%	\$344,106.33
530		4.00%	\$287,730.81
540		3.22%	\$231,663.35
550		3.98%	\$286,498.56
610		10.34%	\$743,972.06
620		9.33%	\$671,577.26
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>	<b>\$7,900,000.00</b>